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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LUIS ARAMBULA, JR.,

Defendant and Appellant.

E065788

(Super.Ct.No. INF10001936)

OPINION

APPEAL from the Superior Court of Riverside County. Becky Dugan, Judge.

Affirmed.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

FACTUAL AND PROCEDURAL HISTORY

A felony complaint was filed on August 3, 2010, charging defendant and appellant Jose Luis Arambula, Jr., with one count of grand theft (Pen. Code, § 487, subd. (a)). The complaint also alleged that defendant willfully and unlawfully took money and personal

property—air conditioner parts—with a value exceeded \$400. Defendant was also charged with a prior serious and violent felony conviction (Pen. Code, § 667, subd. (c)).

Defendant pled guilty to count 1 (grand theft; Pen. Code, § 487, subd. (a)) pursuant to a plea agreement on September 27, 2010. Defendant would receive probation with terms and conditions, including a jail commitment of 365 days, to be served concurrently with two unrelated cases.

The trial court found a factual basis for defendant's plea; on the record defendant admitted that on August 2, 2010, he took air conditioning parts worth more than \$400 without the owner's permission.

At the sentencing hearing on September 27, 2010, the court suspended imposition of the sentence and placed defendant on formal probation for 3 years under various terms and conditions, including confinement in county jail for 365 days to be served concurrently with the two unrelated cases. Restitution to the victim was awarded in the amount of \$1,000.

Defendant's probation was revoked on July 19, 2011, and again on May 22, 2013. After the revocation on May 22, 2013, the court terminated probation and imposed a concurrent, midterm sentence of two years in county jail.

On January 7, 2016, defendant filed a petition for recall of sentence pursuant to Penal Code section 1170.18 (Proposition 47), seeking a reduction of his offense to a misdemeanor. In the petition, defendant stated he "believes the value of the check or property does not exceed \$950." The People filed opposition stating defendant was not entitled to relief under Proposition 47 because defendant failed to prove the value of the

air conditioning parts was less than \$950. On February 24, 2016, the trial court denied defendant's motion because "the air conditioner motor and fan [were] worth \$1,000 per PC statement. Exceeds [\$]950.00. [N]ot eligible."

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

McKINSTER
Acting P. J.

SLOUGH
J.